

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH MICHAEL QUINCY
JEFFERSON,

Defendant.

CASE NO. 2:23-cr-00109-LK

ORDER GRANTING IN PART
UNOPPOSED MOTION TO
CONTINUE TRIAL AND EXTEND
PRETRIAL MOTIONS DEADLINE

This matter comes before the Court on the Defendant Joseph Jefferson's Unopposed Motion to Continue Trial and Extend Pretrial Motions Deadline. Dkt. No. 48. Mr. Jefferson moves to continue the trial date from February 26, 2024 to September 30, 2024, and to continue the pretrial motions deadline to August 19, 2024. *Id.* at 1. The Government does not oppose Mr. Jefferson's motion. *Id.*

On June 27, 2023, Mr. Jefferson made an initial appearance before United States Magistrate Judge Paula L. McCandlis after being arrested on a complaint. Dkt. Nos. 1, 5. On July 5, 2023, a federal grand jury indicted Mr. Jefferson with one count of Assault by Strangulation in

1 violation of 18 U.S.C. §§ 113(a)(8) and 1153(a). Dkt. No. 13 at 1–2. He pleaded not guilty to the
2 charge at his July 18, 2023 arraignment and remains on bond with special conditions following
3 several appearances before United States Magistrate Judge Michelle L. Peterson. Dkt. Nos. 9–10,
4 15, 24, 25–27; *see also* Dkt. Nos. 34, 40–41, 46. On August 28, 2023, the Court granted Mr.
5 Jefferson’s previous unopposed motion to continue trial from September 11, 2023 to February 26,
6 2024. Dkt. No. 30 at 3.

7 Mr. Jefferson represents that in the event his case proceeds to trial, the parties anticipate
8 calling expert witnesses to testify, and the requested new trial date will “accommodate the
9 schedules” of these potential witnesses. Dkt. No. 48 at 2. In addition, Mr. Jefferson’s current
10 counsel first appeared in this case roughly three months ago, and avers that “[m]ore time is needed
11 to investigate, gather evidence, and consider possible defenses.” *Id.*; *see also id.* at 2–3 (“[T]he
12 additional time requested between the current trial date of February 26, 2024, and the new trial
13 date is necessary to provide counsel for Mr. Jefferson reasonable time to prepare for trial
14 considering counsel’s schedule and all of the facts set forth above.”). Mr. Jefferson has filed a
15 speedy trial waiver “knowingly, voluntarily, and with advice of counsel” waiving his right to a
16 speedy trial through October 14, 2024. Dkt. No. 49 at 1.

17 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by
18 granting a continuance outweigh the best interest of the public and Mr. Jefferson in any speedier
19 trial. Specifically, the Court finds that failure to grant the requested continuance would likely result
20 in a miscarriage of justice and would deny defense counsel the reasonable time necessary for
21 effective preparation, taking into account the exercise of due diligence, due to counsel’s need for
22 more time to obtain and review discovery, coordinate with potential witnesses, consider pretrial
23 motions and defenses, consult with Mr. Jefferson, and prepare for trial. *See* 18 U.S.C.
24 § 3161(h)(7)(B)(i), (iv). The Court finds that the additional time requested is a reasonable period

1 of delay and will be necessary to provide counsel and Mr. Jefferson reasonable time to accomplish
2 the above tasks.

3 For these reasons, the Court GRANTS IN PART Mr. Jefferson's motion, Dkt. No. 48, and
4 ORDERS that the trial date for Mr. Jefferson shall be continued from February 26, 2024 to
5 September 30, 2024. It is further ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B),
6 the period of delay from the date of this Order to the new trial date is EXCLUDED when
7 computing the time within which Mr. Jefferson's trial must commence under the Speedy Trial Act.

8 The Court, however, DEFERS ruling on Mr. Jefferson's request to continue the pretrial
9 motions deadline because that deadline expired on January 16, 2024. Dkt. No. 30 at 3. The Court
10 previously cautioned Mr. Jefferson that it expects strict compliance with its Standing Order and
11 the applicable laws and rules, and that absent good cause, a party who fails to meet the pretrial
12 motions deadline waives pretrial objections. *Id.* at 1 n.1 (citing *United States v. Ghanem*, 993 F.3d
13 1113, 1120 (9th Cir. 2021)). Mr. Jefferson provides no explanation—let alone good cause—for
14 his failure to file the instant motion on or before the January 16, 2024 deadline. *See generally* Dkt.
15 No. 48. The Court therefore ORDERS Mr. Jefferson to show cause by February 5, 2024 why this
16 failure should not constitute a waiver of his Rule 12(b)(3) defenses, objections, and requests. To
17 the extent the Government intends to file pretrial motions, it too must show cause by February 5,
18 2024 why its failure to timely move for an extension of the pretrial motions deadline should not
19 constitute a waiver of its Rule 12(b)(3) objections and requests.

20
21 Dated this 29th day of January, 2024.

22 

23 Lauren King
24 United States District Judge